

TABLE OF CONTENTS

<u>I. INTRODUCTORY REMARKS FROM THE VICTIM ADVOCATE</u>	1
<u>II. OVERVIEW OF THE OFFICE OF THE VICTIM ADVOCATE</u>	9
<u>A. HISTORY</u>	9
<u>B. STATUTORY MANDATES</u>	10
<u>C. HOW THE OVA ACCOMPLISHES ITS MANDATES</u>	11
<u>III. GOALS, ACCOMPLISHMENTS AND CHALLENGES</u>	12
<u>A. EVALUATE THE DELIVERY OF SERVICES TO CRIME VICTIMS</u>	12
<u>The Mandate</u>	12
<u>Accomplishments</u>	12
<u>a. Agency Review</u>	13
<u>b. Receive and Review Complaints</u>	14
<u>Future Goals</u>	15
<u>Identified Challenges</u>	15
<u>B. MULTI-AGENCY EFFORTS TO FURTHER THE CONSTITUTIONAL RIGHTS OF CRIME VICTIMS</u>	16
<u>The Mandate</u>	16
<u>Accomplishments</u>	16
<u>a. Office of the Chief Medical Examiner</u>	16
<u>b. Office of the Chief State's Attorney</u>	17
<u>c. Board of Parole</u>	18
<u>d. Office of Victim Services, Judicial Branch</u>	18
<u>e. Other State Agencies and Private Organizations</u>	19
<u>Future Goals</u>	19
<u>Identified Challenges</u>	20
<u>C. REVIEW AND INVESTIGATION OF COMPLAINTS</u>	20
<u>The Mandate</u>	20
<u>Accomplishments</u>	21
<u>a. Notification of Rights and Services</u>	22
<u>b. The Right to Notification of Court Proceedings; Information About the Arrest, Conviction, Sentence, Imprisonment and Release of the Accused; and the Right To Communicate with the Prosecution</u>	24
<u>c. The Rights to Attend All Court Proceedings, Address the Court Regarding Any Plea Entered by the Accused, and Address the Court At Sentencing</u>	25
<u>d. The Right to Restitution</u>	26
<u>e. The Right to Be Reasonably Protected From the Accused Throughout the Criminal Justice Process</u>	27
<u>f. The Right to Timely Disposition of the Case Following Arrest of the Accused, Provided No Right of the Accused is Abridged</u>	28
<u>g. The Right to be Treated With Fairness and Respect Throughout the Criminal Justice Process</u>	29
<u>NATURE OF OVA INTERVENTION</u>	29
<u>SELECTED CASE SUMMARIES</u>	30
<u>MAJOR INVESTIGATIONS</u>	34
<u>Future Goals</u>	35
<u>Identified Challenges</u>	35
<u>D. LIMITED SPECIAL APPEARANCE</u>	36
<u>The Mandate</u>	36
<u>Accomplishments</u>	36

a. Challenging Denial of Victim’s Request to Attend Court Proceedings	36
b. Challenging Defendant’s Motion to Dismiss Charges on Clerical Errors Committed by Court Clerk and State Attorney’s Office	37
c. Assertion of Victim’s Constitutional Right to A Speedy Disposition of the Case	37
Future Goals	38
Identified Challenges	38
E. ENSURE A CENTRALIZED LOCATION FOR VICTIM SERVICES INFORMATION	39
The Mandate	39
Accomplishments	39
Future Goals	39
Identified Challenges	39
F. RECOMMEND CHANGES IN STATE POLICIES, PUBLIC EDUCATION AND LEGISLATIVE ADVOCACY	39
The Mandate	39
Accomplishments	40
Future Goals	40
Identified Challenges	40
Participation in Public Forums	40
Future Goals	41
Identified Challenges	42
G. ADVISE PUBLIC OF OVA SERVICES	42
The Mandate	42
Accomplishments	42
Future Goals	42
Identified Challenges	42
APPENDIX A OVA BUDGET	43
APPENDIX B OVA OFFICE	44
APPENDIX C OVA STAFF	46
APPENDIX D OVA ENABLING STATUTES	47
APPENDIX E OVA ADVISORY COMMITTEE MEMBERS	51

I. Introductory Remarks From the Victim Advocate

In 1996, voters in the State of Connecticut overwhelmingly (78.5%) ratified the Victims' Rights Amendment to our state constitution. Article 1, Section 8(b) of the Connecticut Constitution expresses a very strong public policy that those victimized by crime in our state be provided certain participatory rights in our criminal justice system. In furtherance of that policy, the constitutional amendment affords crime victims specific rights that include the right to:

- Be treated with fairness and respect throughout the criminal justice process;
- Receive notification of court proceedings;
- Attend court proceedings to the same extent as the accused;
- Participate in criminal proceedings;
- A timely disposition of their case;
- Object or support plea agreements;
- Communicate with the prosecution about their case;
- Be reasonably protected from the offender throughout the criminal justice process; and
- Receive financial restitution from the offender.

Despite strong bipartisan support on the part of the general public and our state lawmakers for adopting the Victims' Rights Amendment to our state constitution, some critics have suggested that these rights reflect nothing more than classic "feel good" lawmaking and represent largely illusory gains for crime victims in our state. Others, however, have correctly sensed that Connecticut's Victims' Rights Amendment reflects an attempt on the part of our lawmakers to make some fundamental changes to our criminal justice system. A primary objective of such change has been to protect citizens who have been victimized by crime from being victimized yet again by the process whereby government officials prosecute, punish and release the accused or convicted offender. Recent attempts to improve the way our criminal justice system operates have been based partly, if not mainly, upon a widening gap between the public's expectations and the current performance of our criminal justice system.

In 1998, the Council of State Governments, Eastern Regional Conference, commissioned a survey to examine perceptions regarding the criminal justice system on the part of the general public and crime victims in eight Northeastern states, including Connecticut. The results of this survey showed that a substantial majority of the public in Connecticut would like to see the criminal justice system changed dramatically. When asked whether they supported the idea of totally revamping the way the criminal justice system works in Connecticut or believed that the present

system works well enough, 79% of the public preferred totally revamping our criminal justice system. The results of the survey further indicated that Connecticut residents believe it is very important that those victimized by crime be included in the criminal justice process. Specifically, the majority of the general public believes that crime victims and their families should be provided certain rights, opportunities and services as part of the criminal justice process. Only a minority of the public, however, believes that crime victims' rights are being adequately enforced in Connecticut.

Legislative comments made during House and Senate debates on the proposed Victims' Rights Amendment amply demonstrate that the state legislature intended to affect a fundamental change in the criminal justice system, rethinking the traditional *State v. Defendant* paradigm, leveling the playing field between the accused and the crime victim, and requiring that courts consider and honor victims' rights.

Representative Radcliffe, one of the principal authors of the Amendment, described its purpose as follows:

What this amendment does is it will level the playing field in our Constitution. It will say in the same section of our Constitution that the accused can look to for the protection of certain rights, that victims will also have certain rights which courts must recognize, which courts must respect and which this General Assembly must implement by appropriate legislation.

39 H.R. Proc., Pt. 9, 1996 Sess., p. 2827.

Representative Lawlor echoed the broad sweep of Representative Radcliffe's remarks, stating:

Mr. Speaker, this, as I understand it, the thought behind this amendment is to establish a benchmark in our state's Constitution, guaranteeing for all time rights of victims of crime and requiring the legislature to enact specific statutes seeking to honor the spirit of the Constitutional Amendment, which we are proposing.

Id., at 2834-35.

Later in the debate, Representative Godfrey described the proposed Victims' Rights Amendment:

...as a way for the people of the State of Connecticut to say these are our courts, this is the justice we want to see.

Victims are not pieces of evidence, they are citizens with us.
Society's rights are at stake here too.

Id., at 2909.

These sentiments were echoed by Senator Upson, one of the measure's co-sponsors, who noted that:

Victims feel that they are not treated equally in the system with criminals and that their rights are not paid much attention to. Certainly, by making these rights into the Constitution of the State of Connecticut will guarantee everyone who is a family of a victim or victim, that they will have the utmost rights throughout our judicial system.

39 S. Proc., Pt. 6, 1996 Sess., p. 1980.

Subsequent to incorporating victims' rights into our state constitution in 1996, our state lawmakers, including Governor John G. Rowland, have continued to demonstrate their strong support for and commitment toward protecting and expanding the rights of crime victims in Connecticut.

For example, sensing the need for a "watchdog" agency to oversee the enforcement of victim rights in Connecticut, our legislature in 1998 created an independent state agency, the Office of the Victim Advocate (OVA), to help enforce, protect and further crime victim rights. The first Victim Advocate, the undersigned, was appointed by Governor Rowland in September 1999. The Victim Advocate has broad authority to, among other things: monitor the provision of services to crime victims by state agencies and private entities; receive and investigate victim complaints regarding their treatment by the criminal justice system; intervene in court proceedings to advocate for victim rights when their rights have been violated; and make recommendations to the legislature, victim service providers and criminal justice professionals for changes in state policies and laws to help further and protect crime victim rights in Connecticut.

The OVA's independence from the executive, legislative and judicial branches of government is a vitally important feature of the office, one that is necessary for achieving satisfactory results from agencies and providing redress for crime victims. If the Victim Advocate is to be effective, s/he must be free to criticize, in appropriate situations, governmental agencies, officials, public employees and other professionals involved in the criminal justice system. The need for independence is readily apparent given the Victim Advocate's broad oversight jurisdiction,

which includes all crime victims, criminal justice agencies, victim service providers and victim advocacy groups.

During the 1999 and 2000 legislative sessions, our state lawmakers continued to demonstrate strong support for crime victim rights by passing several important laws furthering and enhancing crime victim rights in Connecticut. In 1999, the legislature authorized compensation to a deceased victim's relatives and dependents that suffer financial loss because of attending court proceedings (P.A. 99-129). Municipalities are allowed to waive delinquent property taxes for someone who received crime victim compensation. The legislature has also required the police to maintain and furnish copies of drunk driving investigations to victims and gave crime victims access to erased court records for up to two years after the disposition of a criminal case (P.A. 99-277).

In the 2000 legislative session, crime victims were given more time to apply for victim compensation (P.A. 00-110). In addition, P.A. 00-200 made the following changes in favor of crime victims:

- Persons convicted of any offense involving the use, attempted use, or threatened use of physical force against another person are no longer eligible for post-conviction release on bond while awaiting sentencing or appealing his/her conviction;
- Eliminates the statute of limitations for filing a wrongful death lawsuit against someone convicted of first-degree manslaughter or first-degree manslaughter with a firearm, or found guilty of either offense because of mental disease or defect;
- Permits the Office of Victim Services to include low interest loans in compensation payments for monetary losses suffered by a murder or manslaughter victim's spouse or dependent;
- Requires, rather than allows, towns to waive all or a portion of any interest on delinquent property taxes for recipients of victim compensation;
- Permits prosecutors to display a single 8 x 10 inch photograph of victims to the jury during opening and closing arguments;
- Requires all state, local and private agencies to cooperate with investigations conducted by the Office of the Victim Advocate;

- Gives the Victim Advocate full access to any records necessary to carry out his duties, rather than the same access afforded to crime victims.

All of the above legislative initiatives were based on the provision in the Victims' Rights Amendment authorizing our state legislature to pass laws to enforce the rights afforded in the constitutional amendment.

The consistent support and commitment on the part of our state lawmakers with respect to furthering and enhancing crime victim rights, as evidenced above, should put to rest once and for all any notion that victim rights laws in Connecticut represent nothing more than "feel good" lawmaking. Connecticut's Victims' Rights Amendment, and subsequent legislation, represents formal acknowledgment on the part of our lawmakers that crime victims have a role in the criminal justice system—one that can be different from the prosecutor, the police, or any of the other professionals within our criminal justice system.

Despite this acknowledgement, the varied and uneven treatment of crime victims by many criminal justice officials in Connecticut has caused victims, and the general public alike, to remain highly cynical toward our criminal justice system. Any system that hopes to achieve a balance of justice must ensure that victims' rights are rights indeed, not mere courtesies extended to them. Furthermore, victims' rights should mean the same thing in every courthouse in our state. We cannot continue to have particular rights, embraced in one courthouse, ignored in another as the result of a different judge or prosecutor or caseload. We would not tolerate such a disparity for defendants and we should not tolerate it for crime victims.

We can learn much from listening to the voices of crime victims. The role of the crime victim in our criminal justice system should be enlarged in order to increase his/her cooperation in the reporting of crime and the prosecution of criminal offenders. It is the voice of the victim that often helps solve criminal cases. It is the voice of the victim that contributes to safety in our homes, our schools, and our neighborhoods. And it is the voice of victims that can, and often does, help youthful and criminal offenders understand the impact their offenses have on their victims, their communities, their own families, and themselves.

The evidence is clear that when victims report crimes, the likelihood of criminal activity decreases. Victims who come forward as witnesses in criminal and juvenile justice cases provide vital and valuable testimony that helps resolve cases. When victims are given a voice at sentencing and parole release hearings, they provide our justice system with insights into the short- and long-term effects of crime on victims, their loved ones, and

our community as a whole. When victims are given the opportunity to define the harm that crime causes, crime rightfully becomes personal. It becomes an offense that hurts *a real person* with a name, a face, a family, a job and a home, in addition to the harm caused to society generally.

We need the balance that our Victims' Rights Amendment offers to restore some of the public confidence our criminal justice system has lost. Consistent enforcement of victim rights can provide an effective check on the criminal justice process, thereby making the process more efficient and effective. Victims need this balance, the general public needs it, and so to do those accused and convicted of committing crimes.

The quest for victims' rights is not now, nor has it ever been, to diminish the rights of criminal defendants but rather to recognize that the victim's justice interest is as real and important as that of the defendant. Sloppy, unconstitutional or wrongful prosecutions do not serve victims of crime. Justice for victims simply means that they are given a voice in a process that will affect them for the rest of their lives. Victim justice means that victims have input into decisions that affect how their offenders will be treated and held accountable for their offenses. Justice for victims means that victims have a voice in creating a vision for justice for all—which equates to justice for victims, for offenders, for communities and for our state as a whole.

During the first year of OVA's operation, some key issues pertaining to the provision of victim rights and services in Connecticut have emerged. Several of these issues have been targeted by the OVA as priority issues and will receive particular attention in the future.

Enforcement of crime victim rights within our criminal justice system is a priority issue that must be addressed. All too often, crime victim rights are not enforced because they have not been incorporated into the daily functioning of *all* criminal justice professionals. Implementation of rights is often arbitrary and based upon the individual practices and preferences of criminal justice officials. Additionally, with the exception of the creation of the OVA, victims have lacked any enforcement mechanisms, thereby leaving them without adequate remedies to enforce their rights when they are violated. There is much work to be done to ensure that rights for victims are honored and respected to the same degree, as are the fundamental rights of accused and convicted offenders. In the future, the OVA must and will play an important catalytic role in helping accomplish the goal of consistent enforcement of victim rights in Connecticut's criminal justice system.

Before crime victims can exercise their constitutional and statutory rights, or before they can avail themselves of services, they must receive

timely and adequate notification of their rights and of the availability of victim services. No issue, therefore, is more important to crime victims than is the receipt of timely notification of existing rights and services. Yet, despite the existence of a law requiring law enforcement officials to advise crime victims of their rights and of services available to them, such notification too often is not provided. We need enforcement mechanisms to make certain that the consistent provision of such notice becomes a reality. Without notification of court proceedings, victims cannot exercise the participatory and other rights our laws afford them. For example, without being notified in a timely manner regarding the date and time of court proceedings, victims cannot exercise other important rights, such as the right to attend court proceedings and to be heard on critical issues related to such proceedings. We must find ways to improve the process of providing crime victims in Connecticut with effective notification of rights and services.

The following list highlights the major accomplishments achieved by the OVA during its first year of operation. Details of OVA activity are presented in the body of this report.

- Established contacts with all state agencies and private entities
which provide services to crimes victims to begin to build collaborative working relationships;
- Set the stage for systemically evaluating the victim services delivery system;
- Examined compliance with statutory duty of law enforcement officials to notify crime victims of rights and services;
- Worked closely with several state agencies to further and protect crime victim rights;
- Initiated legislation and testified before the General Assembly regarding issues affecting crime victims;
- Conducted a formal investigation into a murder-suicide that occurred on the East Haven Green in July, 2000;
- Filed a limited special appearance in numerous criminal proceedings to advocate for victim rights;
- Published and disseminated statewide an informational brochure regarding the OVA;
- Published a website (www.ova.state.ct.us) to help educate the public regarding the OVA and victim rights and services;

- Appealed to the Connecticut Supreme Court a trial court's ruling that the Victims' Rights Amendment to our state constitution does not apply to victims of crimes committed by juvenile delinquents;
- Participated on numerous commissions, boards, panels and working groups related to victim rights and services;
- The Victim Advocate has given numerous media interviews related to case involvements and public education.

Despite all of the achievements the State of Connecticut has made over the past several years in terms of enacting laws that provide rights to crime victims, and despite the high level of services available to crime victims, far too many victims are still being denied their rights to participate in the criminal justice system and far too few crime victims are even aware of the many services that are available to assist them. The challenge for the Victim Advocate and the OVA is to play a significant role in seeing that victim rights laws are honored and respected by all the professionals within the criminal justice system and that Connecticut's victim service delivery system is further strengthened.

Connecticut certainly has good reason to be proud of its many accomplishments in the areas of victims' rights and victims' services, but more changes are needed. I am confident that Connecticut will improve its current system of victims' rights and I look forward in the years ahead to working with the many talented and committed court-based victim service advocates, victim services providers, lawmakers and criminal justice professionals to effect these changes.

Finally, I would like to express my deepest and sincerest appreciation to the staff of the OVA for their commitment, dedication and hard work on behalf of crime victims in Connecticut. The daily contributions made by Merit Lajoie, Complaint Officer, Daniel Butler, Principal Attorney, and Pamela Young, Secretary, cannot be overstated.

We are greatly indebted to the members of the OVA Advisory Committee who have demonstrated tremendous dedication, patience and ingenuity in helping the OVA to get off the ground. Their advice and guidance has been invaluable. Special thanks also go to the staff at the Freedom of Information Commission, in particular, Gloria Delaney-Davis, Renee Daignault and Kathy Skomrow, who provide their expertise on numerous business and administrative matters pertaining to the daily operation of the OVA.

We are extremely grateful to the many state and municipal agencies, which have supported our efforts on behalf of crime victims during OVA's

first year of operation. These agencies include the Office of Victim Services, Judicial Branch; the Department of Correction; the Board of Parole; the Office of the Chief State's Attorney; the Department of Public Safety; the Office of the Chief Public Defender; the Department of Administrative Services; and the many local law enforcement officials throughout our state. We also wish to especially thank the many Superior Court judges, state's attorneys, assistant state's attorneys, court clerks and state marshals who honor and respect victims' rights on a daily basis.

I would also be remiss if I did not remind the reader that victim rights in Connecticut, including the creation of the OVA, would not have come about without the activism of crime victims and their families and supporters. There are many crime victims who have struggled not only to survive and heal after their own victimization, but also to bring much needed legal reforms, financial relief and services to other victims. Of particular note, we are especially indebted to non-profit organizations such as Survivors of Homicide, the Connecticut Coalition Against Domestic Violence, Mothers Against Drunk Driving, and Connecticut's Sexual Assault Crisis Services. Thanks to the tireless efforts of these organizations and their staffs over many years, our great state of Connecticut now recognizes, on a constitutional level, the value of and the dignity of crime victims and of the important role crime victims can play in our criminal justice system.

II. Overview of the Office of the Victim Advocate

A. History

The Office of the Victim Advocate (OVA) is an independent state agency established in 1998, pursuant to P.A. 98-231 (See, Appendix A), to protect the rights of crime victims and to advance policies throughout the state that promote the fair and just treatment of Connecticut crime victims. OVA mandates were modeled, to a large extent, after those of Connecticut's Office of the Child Advocate (C.G.S. §46a-13k, et seq.).

On August 10, 1999, Governor John G. Rowland announced the appointment of the first Victim Advocate, James F. Papillo, Esq. of West Hartford. Mr. Papillo, an attorney, also holds a doctorate degree in psychology. Mr. Papillo was officially sworn-in and assumed his duties and responsibilities as the Victim Advocate on September 1, 1999 pending confirmation by the General Assembly. Mr. Papillo was confirmed by the state legislature during the 2000 regular session of the General Assembly.

The OVA is guided by an Advisory Committee (C.G.S. §46a-13f) which is required to meet with the Victim Advocate three times a year to review and

assess: (1) the patterns of treatment and services for victims; (2) policy implications of the findings of the aforementioned review and assessment regarding patterns of treatment and services; and (3) necessary systemic improvements. The Advisory Committee is also charged with evaluating the effectiveness of the OVA on an annual basis. Appendix B lists the current members of the Advisory Committee and their respective professional affiliations.

B. Statutory Mandates

The statutory responsibilities of the Office of the Victim Advocate are numerous and broad. They include:

- Evaluate the delivery of services to victims by state agencies and those entities that provide services to victims, including the delivery of services to families of victims by the Office of the Chief Medical Examiner;
- Coordinate and cooperate with other private and public agencies concerned with the implementation, monitoring and enforcement of the constitutional rights of victims and enter into cooperative agreements with public or private agencies for the furtherance of the constitutional rights of victims;
- Review the procedures established by any state agency or other entity providing services to victims with respect to the constitutional rights of victims;
- Receive and review complaints of persons concerning the actions of any state or other entity providing services to victims and investigate those where it appears that a victim or family of a victim may be in need of assistance from the Victim Advocate;
- File a limited special appearance in any court proceeding for the purpose of advocating for a victim;
- Ensure a centralized location for victim services information;
- Recommend changes in state policies concerning victims, including changes in the system of providing victim services;
- Conduct programs of public education, undertake legislative advocacy, and make proposals for systemic reform;
- Monitor the provision of protective services to witnesses by the Chief State's Attorney [P.A. 99-240];
- Take appropriate steps to advise the public of the services of the Office of the Victim Advocate, the purpose of the office and procedures to contact the office.

The ultimate objective of the OVA is to help improve the way Connecticut's criminal justice system treats crime victims. The OVA strives to accomplish this objective through a process of investigation and review of the actions of

state agencies and other entities providing direct services to crime victims or their families with respect to the constitutional rights of victims or the provision of victim services; filing a limited special appearance for advocating for crime victims in court proceedings; working cooperatively and collaboratively with state agencies and other entities to effectuate improvements; effecting changes in policy, procedure and legislation; and public education.

C. How the OVA Accomplishes Its Mandates

In order to fulfill the responsibilities of the OVA, the Victim Advocate has the following rights and powers:

- To file a limited special appearance in any court proceeding for the purpose of advocating for a victim:
 - A. The right to notification of court proceedings;
 - B. The right to attend the trial and all other court proceedings;
 - C. The right to object to or support any plea agreement and the right to make a statement to the court prior to the court accepting the agreement;
 - D. The right to make a statement to the court at sentencing;
 - E. The right to restitution;
 - F. The right to information about the arrest, conviction, sentence, imprisonment and release of the accused.

It should be noted that the Victim Advocate's authority to file a special limited appearance does not apply to infractions or misdemeanors not involving the use, attempted use or threatened use of physical force against another person (C.G.S. §46a-13g).

- Consistent with the provisions of the general statutes concerning the confidentiality of records and information, the Victim Advocate shall have access to, including the right to inspect and copy, any records necessary to carry out the responsibilities of the Victim Advocate.
- To communicate privately with any victim or person who has received, is receiving or should have received services from the state. Such communications are confidential and shall not be subject to disclosure.

Pursuant to Public Act No. 00-200, all state, local and private agencies have a duty to cooperate with any investigation conducted by the Office of the Victim Advocate.

Pursuant to C.G.S. §46a-13e(b), no state or municipal agency shall discharge, or in any manner discriminate or retaliate against, any employee who in good faith makes a complaint to the Victim Advocate or cooperates with the Office of the Victim Advocate in an investigation.

III. GOALS, ACCOMPLISHMENTS AND CHALLENGES

The following pages are divided into separate sections for each mandate enumerated in the OVA's enabling legislation (See, Appendix D). Each section describes the mandate and its principal goal, as well as accomplishments related to that goal. Finally, each section briefly sets out some of the challenges for the future.

A. EVALUATE THE DELIVERY OF SERVICES TO CRIME VICTIMS

The Mandate

Pursuant to C.G.S. §46a-13c(1), the OVA is mandated, within available appropriations, to evaluate the delivery of services to crime victims in Connecticut by state agencies and those entities that provide services to victims of crime, including the delivery of services to families of victims by the Office of the Chief Medical Examiner (P.A. 99-37).

To evaluate and monitor Connecticut's victim services delivery system, the OVA has begun its effort to fully and completely analyze and assess each state agency and, eventually, each private entity that provides services to crime victims. Thus far, OVA efforts have entailed direct meetings with the heads and staff of the various agencies which have then been followed by a formal request for copies of program policies, procedures, directives, budgets and other documentary information regarding program operation. This information, combined with information gathered from OVA's victim complaint process, will enable the OVA to accurately assess the effectiveness of the victim services delivery system in Connecticut as well as the enforcement of victim rights.

Accomplishments

The OVA has set out to formally and systematically evaluate Connecticut's victim services delivery system through: (1) direct discussions with agency heads and staff; (2) reviewing program policy and procedures and other documentation related to the structure, function and operation of state agencies and nonprofit organizations in Connecticut that provide services to crime victims; and (3) receiving and reviewing complaints from crime victims or others on behalf of crime victims about victim treatment by the victim services delivery system or by the criminal justice system.

a. Agency Review

During the first year of operation, the OVA formally requested documents from the majority of state agencies providing crime victim services. In addition, the OVA requested copies of all policies and procedures from each municipal police department in Connecticut as well as the Connecticut State Police regarding victim services and victim rights.

In response to the OVA's request for documents, the OVA received materials only from the following state agencies:

- The Office of Victim Services (OVS), Judicial Department
- The Office of the Chief State's Attorney (OCSA), Witness Protection Program
- The Office of the Chief Medical Examiner (OCME)
- The Board of Parole (BOP)
- The Department of Corrections (DOC)
- The Psychiatric Security Review Board (PSRB)
- Department of Mental Health and Addictive Services (DMHAS)

OVA staff has begun to systematically review the materials submitted by several state agencies. In several cases, the OVA has been able to achieve some important successes in working with state agencies to improve services to crime victims. The nature and extent of several of these accomplishments will be presented in greater detail in subsection B, below.

In response to the OVA's request for documents from local law enforcement agencies throughout Connecticut pertaining to victim rights and services, close to 83% of all municipal police departments have submitted documents. The OVA has begun to systematically process and analyze this information. At some point in the near future, the OVA intends to form a working group comprised of representatives from several municipal police departments, and others, to explore the propriety of developing model policies and procedures to further enhance the provision of victim services by local law enforcement professionals.

The Victim Advocate and his staff have randomly selected and attended numerous hearings held by the Board of Parole and the Psychiatric Security Review Board to review, first hand, the nature of these hearings and how crime victims are treated in terms of the provision and protection of victim rights.

b. Receive and Review Complaints

The OVA is mandated by statute to receive and review complaints from crime victims and others concerning actions of any state or other entity providing services to victims and to investigate those complaints where it appears that a victim or family of a victim may need assistance from the Victim Advocate [C.G.S. §46a-13c(4)].

Carrying out this mandate has provided the OVA with important and unique information, coming directly from “consumers,” i.e., those requesting and receiving victim services, regarding the current status of the victim services delivery system in Connecticut. This source of information is beginning to provide the OVA with vitally important and useful information particularly with respect to helping identify systemic issues or areas of concern with regard to the effectiveness and efficiency of crime victim services in Connecticut.

It is anticipated that the number of complaints to the OVA from or on behalf of crime victims will likely increase in the future. This anticipated increase is premised on an expectation that over time the public will become more aware of the existence and function of the OVA through its outreach and public education efforts, and an increased awareness regarding the availability of victim services. To the extent that such an increase in the number of complaints received by the OVA is realized, the OVA will become better able to assess the quality of victim services being provided by the various state and private entities.

Over time, as the OVA accumulates complaint information and makes progress in systematically evaluating the policies and procedures of direct victim service providers, the OVA’s ability to assess the existence and nature of systemic issues regarding enforcement of victim rights and the effectiveness of Connecticut’s victim services delivery system should be greatly enhanced.

More detailed information regarding the nature of the complaints the OVA has received during the initial year of operation will be provided in subsection C of this Report.

In addition to the formal requests for information from state agencies serving crime victims, the Victim Advocate has made an effort to become familiar with the programs and services provided by the numerous not-for-profit organizations in Connecticut serving crime victims. The Victim Advocate has had numerous meetings with the heads and staff of the following organizations: Connecticut Sexual Assault Crisis Services, Inc. (CONNSACS); Survivors of Homicide; the Connecticut Coalition Against Domestic Violence (CCADV); and the Connecticut Chapter of Mothers

Against Drunk Driving (MADD). The Victim Advocate has attended staff meetings held by these various agencies and has been involved in training activities conducted by several of these agencies. The Victim Advocate frequently consults with the heads of these agencies on a variety of victim-related projects and cases.

On January 12, 2001, the Victim Advocate, on the advise of members of the OVA Advisory Committee, sent a letter to each of the members of Connecticut's delegation to the U.S. House of Representatives and the U.S. Senate, asking them to consider proposing legislation in Congress to remove the cap on the amount of money that can be spent from the Victims of Crime Act (VOCA) Fund. Removing this cap would greatly increase the amount of money available to fund Connecticut's crime victim assistance and victim compensation programs. These funds help crime victims when they need it most. Given the substantial reduction in the amount of funds available to the states caused by federal earmarks, and the real need for increased services to crime victims in Connecticut, it is clear that removal of the cap is necessary to ensure Connecticut will be able to meet the needs of crime victims.

In response to the Victim Advocate's letter, Representative Robert Simmons of the 5th Connecticut District has proposed legislation in the House to remove the cap on VOCA monies.

Future Goals

The following goals have been identified by the OVA and will be addressed during the course of the next calendar year.

- Design and implement strategies to more fully and effectively monitor and evaluate the provision of services to crime victims in Connecticut.
- Follow-up with state agencies who have failed to respond to the OVA's initial request for documents and other information pertaining to program operation.
- Expand the request for documentation and related materials from the not-for-profit organizations in Connecticut that provide direct services to crime victims.
- Develop a computerized database for the input, storage and analysis of victim complaint information.

Identified Challenges

The following challenges in executing this statutory mandate have been identified:

- Executing this mandate has proven to be highly labor and time intensive. In view of: (1) the quantity of program and other materials submitted to the OVA thus far from agencies for evaluation, (2) the growing number of complaints filed with the OVA, and (3) OVA's limited staff size, work on systematically evaluating the victim services delivery system has been somewhat hampered as the OVA has been forced to adjust priorities to handle its many other duties and responsibilities. Additional staff will be required to fully and effectively carry out this mandate. During the 2001 Session of the General Assembly, the Victim Advocate has requested four new full-time positions from the legislature. An individual whose primary responsibility within the OVA will be to assist in carrying out this important mandate will fill one of these positions.

B. MULTI-AGENCY EFFORTS TO FURTHER THE CONSTITUTIONAL RIGHTS OF CRIME VICTIMS

The Mandate

The OVA is mandated to coordinate and cooperate with other agencies and entities concerned with the implementation, monitoring and enforcement of the constitutional rights of victims and to enter into cooperative agreements with such organizations for the furtherance of the constitutional rights of victims. C.G.S. §46a-13c(2). A related mandate requires the OVA to review procedures established by state agencies or other entities providing services to crime victims with respect to the constitutional rights of victims. C.G.S. §46a-13c(3).

Accomplishments

The OVA has worked closely with several state agencies, including the Office of the Chief State's Attorney, the Office of the Chief Medical Examiner, the Board of Parole, the Office of Victim Services, and others to further and protect the constitutional rights of crime victims in Connecticut.

a. Office of the Chief Medical Examiner

The Victim Advocate has had several meetings with the Chief Medical Examiner, Dr. Wayne H. Carver, and his staff to discuss the treatment of surviving family members by that office and the training of the Chief Medical Examiner's staff with regard to victim issues. The OVA had received several complaints from family members of crime victims regarding their treatment by the OCME. All of these complaints related to incidents that had occurred in the past, as long ago as three years.

Pursuant to P.A. 99-37, the Office of the Chief Medical Examiner (OCME) was mandated to develop and distribute an informational brochure to better provide surviving family members an explanation of the laws, regulations, procedures and practices of the OCME and the rights of such family members. At the suggestion of the Victim Advocate, Dr. Carver agreed to allow the OVA to assist in creating an informational brochure for the OCME. With the knowledge and consent of Dr. Carver, the OVA assembled a working group comprised of members of Survivors of Homicide, directors of funeral homes, a police officer, a representative from the Office of Victim Services, a grief counselor, several community members, and State Representative Robert Godfrey (110th Assembly District) to design and develop the brochure. Dr. Carver has fully accepted the brochure developed by the OVA working group, and has since published and distributed this informational brochure.

Thereafter, following a meeting convened by the Victim Advocate with the Chief Medical Examiner and the Director of the Office of Victim Services (OVS), the Chief Medical Examiner agreed to allow OVS staff to provide training to the OCME staff regarding victim issues, particularly those issues and concerns faced by surviving family members of homicide victims and others who have experienced the sudden loss of a loved one.

b. Office of the Chief State's Attorney

The Victim Advocate has had several meetings with Chief State's Attorney John M. Bailey and his staff regarding a number of important victim issues.

Pursuant to P.A. 99-240, the Victim Advocate is charged with monitoring the provision of protective services to witnesses (i.e., Connecticut's Witness Protection Program) by the Office of the Chief State's Attorney. The Chief State's Attorney and his staff have been extremely cooperative in working with the Victim Advocate to set up procedures enabling the OVA to effectively monitor Witness Protection Program services. The OVA designed a form soliciting detailed information (not including confidential identifying information) for each client in the Witness Protection Program. The Chief State's Attorney has agreed to utilize this form and to submit to the OVA a completed form for each client entering the program. The Chief State's Attorney has also agreed to promptly notify the OVA of significant changes to the status of services provided to these clients. Information obtained from these forms is entered and maintained by the OVA in a computerized database. Such information will be used to monitor and evaluate services provided by the Witness Protection Program on an ongoing basis.

The Chief State's Attorney has further agreed to provide each new client entering the Witness Protection Program with an OVA brochure and to

advise each client that s/he can contact the OVA with any complaints or concerns regarding any aspect of their treatment during the course of their involvement in the program.

Chief State's Attorney John Bailey has informed the Victim Advocate of his limited authority over the thirteen individual State's Attorneys located throughout the state. According to Mr. Bailey, these State's Attorneys are fairly autonomous and make policy decisions, regarding for example the treatment of crime victims, without direct intervention or direction by the Office of the Chief States' Attorney. The Victim Advocate has had the opportunity to address the supervising state's attorneys at one of their meetings held at the Office of the Chief State's Attorney in Rocky Hill, Connecticut. The Victim Advocate plans to arrange to meet with each of the thirteen Supervising State's Attorneys in the near future to discuss issues relevant to the treatment of crime victims by prosecuting attorneys and the protection of rights afforded crime victims during the criminal justice process.

c. Board of Parole

The Victim Advocate was informed that the Connecticut Board of Parole was considering allowing crime victims, who wished to exercise their right to address the Parole Board at parole hearings, to submit their testimony in a variety of ways, including: appearing personally at the hearing to address the hearing board; submitting a letter addressed to the Board to be read into the record and considered by Board members; addressing the Board through a victim advocate; or having his/her testimony video-taped and played for the Board at the hearing. Based upon several complaints received by the OVA directed at the treatment of victims at Parole Board hearings, concern arose regarding how such options were being presented to those victims who express a desire to exercise their right to personally attend hearings and address the Parole Board on the issue of whether parole should be granted and under what terms and conditions such parole should be granted.

The Chairman of the Connecticut Board of Parole, Michael L. Mullen, and his staff agreed with the Victim Advocate's recommendation that victims should be informed in writing of the various options for submitting testimony to the Connecticut Parole Board and that the victim should be required to sign the document as evidence that such notification of rights was provided. Such form would also inform the victim of the various options available for presenting testimony to the hearing board and that if a victim chooses to forego the right to attend the hearing and to address the Parole Board in person such waiver should be in writing.

d. Office of Victim Services, Judicial Branch

The Victim Advocate has met with the Director of the Office of Victim Services (OVS) on several occasions to discuss victim service issues. In addition, the Victim Advocate and his staff had the opportunity to receive detailed overviews of OVS service programs including the victim notification and victim compensation programs. The Victim Advocate has had the opportunity to meet with the victim services advocates who work for OVS and who are assigned to many of the courts throughout Connecticut. The duties and responsibilities assigned to these victim service advocates are found in C.G.S. §54-201 et seq. The Victim Advocate recently had the opportunity to present a training session for newly hired victim service advocates.

On numerous occasions, the OVS victim service advocates have contacted the OVA to register complaints on behalf of their victim clients. These reports have been particularly helpful in bringing possible violations of victim rights to the attention of the OVA. In several instances, the reports made to the OVA by OVS victim services advocates have led to further action on the part of the OVA to assist crime victims, including the Victim Advocate filing his appearance in court proceedings to advocate for crime victims in court proceedings.

e. Other State Agencies and Private Organizations

In addition to the efforts reported above, the OVA has worked with a number of other state and private entities to help further and protect victims' constitutional rights and to improve victim services. Victim service advocates affiliated with a number of private, not-for-profit organizations have also alerted the OVA to possible violations of victim rights and has resulted in OVA intervention. These complaints also have typically resulted in further OVA action.

The OVA has had frequent contact with the victim services units within the Department of Correction and the Board of Parole and have collaborated on numerous occasions to protect the rights of crime victims and to improve victim services.

The Victim Advocate and his staff have been involved in training correction officers within the Department of Corrections and parole officers within the Board of Parole on issues regarding victim rights and services.

Future Goals

The Victim Advocate believes that the groundwork has been laid for future coordination and cooperation between the OVA and many of the state and not-for-profit organizations that are part of Connecticut's victim service delivery system. The Victim Advocate looks forward to continuing and further developing these working relationships to protect victim rights and to improve the quality of services for crime victims in Connecticut. The following specific goals have been identified:

- Further discussion with the Office of Victim Services and other state and private agencies/organizations to develop, design and implement a survey instrument to monitor and assess compliance with the enforcement of victims' rights in Connecticut.
- Fully evaluate and assess the various programs managed by the Office of Victim Services, Judicial Branch.
- Begin to formally implement the monitoring of the services provided by the Chief Medical Examiner's Office and the Office of the Chief State's Attorney.
- Monitor the distribution of the Office of the Chief Medical Examiner's informational brochure.
- Evaluate existing policies and procedures at the various state's attorneys offices throughout Connecticut, if such policies and procedures exist, and monitor their implementation with respect to the enforcement of victim rights. If formal policies and procedures do not exist, the OVA will offer its assistance in developing such policies and procedures.
- Assess the training of Superior Court judges, state's attorneys, and others in the criminal justice system regarding victim rights and services issues.
- Work with the Department of Corrections, Board of Parole and Office of Victim Services, Judicial Branch on the issue of interagency communications and the oft-cited confidentiality concerns that work, in some cases, to the detriment of crime victims in terms of their receiving timely notice of important proceedings.

Identified Challenges

- The OVA will initiate more interagency meetings to discuss, identify and work to resolve important issues regarding crime victim rights and services.

C. REVIEW AND INVESTIGATION OF COMPLAINTS

The Mandate

The Victim Advocate is authorized by statute to receive and review complaints of persons concerning the actions of any state or other entity

providing services to crime victims and to investigate those where it appears that a victim or family of a victim may be in need of assistance from the Victim Advocate. C.G.S. §46a-13c(4).

Accomplishments

The Office of the Victim Advocate (OVA) has received a great many questions, requests and complaints from crime victims, or from others on behalf of victims, and has attempted to respond appropriately to each.

In some cases, referrals are made to one or more of the state agencies or private, not-for-profit organizations that are part of Connecticut's victim services delivery system. Other cases have involved extensive investigation by the OVA. Many of the complaints received by the OVA have helped uncover systemic issues or problems that must be addressed and corrected.

The OVA receives approximately 35 new calls per week. Approximately 45 percent of these calls result in the OVA referring the matter to other agencies or entities that provide direct services to crime victims such as the Office of Victim Services (OVS), the Connecticut Coalition Against Domestic Violence (CCADV), the Connecticut Sexual Assault Crisis Services (CONNSACS), or Survivors of Homicide. The OVA typically refers a caller to one of the aforementioned direct service providers after the OVA has obtained enough information from the caller to make an appropriate referral.

Approximately 25 percent of the calls received each week are from individuals seeking general information about the criminal justice system, information about victim rights and services or from those seeking legal representation in criminal matters. OVA staff believes it has an obligation to assist such callers and will provide or help obtain the information requested. The OVA staff, including the Victim Advocate, makes it very clear to callers from the public that the OVA cannot and therefore does not give legal advice. Further, in response to a request for legal representation or other legal services, OVA staff will advise the caller to contact a private attorney or the Connecticut Bar Association. As a matter of office policy, OVA staff does not make referrals to any particular private attorney or private law firm for legal services or advise of any kind.

The remaining approximately 30 percent of the calls received by the OVA are in the nature of complaints from crime victims requiring more extensive involvement on the part of the Victim Advocate or his staff.

The nature of the complaints received by the OVA during the first year of operation have, for the most part, centered on alleged violations of victim rights during the pendency of criminal proceedings. Approximately 85

percent of the complaints received allege violations of more than one of the constitutional or statutory rights afforded crime victims in Connecticut.

a. Notification of Rights and Services

The most frequent complaint received thus far concerns notification of rights and services. The lack of notification of rights and services to crime victims constitutes a major problem as crime victims cannot exercise rights or obtain services available to them if they are not informed of the existence of such rights and services. Such failure to provide notification to crime victims is considered a very serious problem that must be corrected.

Pursuant to C.G.S. §54-222a, municipal law enforcement officers are required by law to provide victims of crime who have suffered physical injury with a card prepared by the Office of the Chief Court Administrator and distributed by the Office of Victim Services, Judicial Branch (OVS). The purpose of this informational card is to notify victims of their rights and the availability of victim services. The OVA requested from each municipal police department in the state, as well as from the Connecticut State Police Department, copies of all policies and procedures, if any, relating to compliance with C.G.S. §54-222a and policies and procedures relating generally to the treatment of crime victims.

The response to the OVA's request for documents from law enforcement professionals was good. Over 82% of the municipal police departments responded to OVA's request for information. Several departments telephoned or wrote the OVA indicating that they did not presently have such written policies and procedures but desired to have them; some departments indicated that they planned on developing such policies and procedures in the near future. Other departments expressed an interest in obtaining model policies and procedures that could be used for developing and/or improving their own.

Many of the police departments responding to the OVA submitted policies and procedures that were out of compliance with current law. Many departments included in their submission to the OVA a copy of the informational card they are required by law to give to crime victims. Unfortunately, most of the cards submitted were not the most recent informational card being distributed by OVS and, thus, contained information (such as telephone numbers for service providers) that was no longer accurate.

Many other deficiencies were noted in the materials presented to the OVA by police departments. Such deficiencies included:

- Requiring police officers to provide victims of domestic violence with the required informational card. Almost 10 years ago the crime victim notification law was changed to require that all victims who suffer physical injury as the result of a crime, not just victims of domestic violence, receive notification.
- Some departments developed their own informational material. Many of these contained inaccurate information regarding rights and contact information for service providers.

The role of local law enforcement officers in responding to crime victims cannot be overemphasized. Law enforcement officers frequently interact more often with crime victims than any other professionals in the criminal justice system. Very often a victim's first view of the criminal justice system is the law enforcement officer who responds to the scene of the crime. It is critical that such officers be well trained and informed about victim rights and services.

The OVA has proposed legislation during the 2000 and 2001 legislative sessions to address some of the important issues and concerns regarding notification of rights and services to crime victims in Connecticut. One such legislative proposal, Raised Bill No. 1355, introduced during the 2001 session, would require law enforcement officials to provide training on victim rights and services to municipal police officers. The OVA had been informed that this legislation is needed for such training to occur because although the Office of Victim Services, Judicial Branch is required under current law [(C.G.S. §54-203(b)(17))] to provide such training, those with responsibility to decide what training is provided police officers are not required to include training on victim issues. The Legislature's objective in mandating OVS to provide such training is not being met. Raised Bill No. 1355 would require that such training be included in the police officer training curriculum.

Raised Bill No. 6947 was proposed by the OVA during the 2001 legislative session and would require that Superior Court judges advise crime victims of their constitutional rights at the opening of court sessions. It is anticipated that the advisement of rights to crime victims in open court will serve two very important functions. First, such advisement may likely be the *only* notification crime victims receive regarding their rights. Second, the simple act of providing such advisement of rights will bring to the fore, not only to the judge but also to all the professionals in the courtroom, the fact that crime victims do play a role in our criminal justice system.

The OVA strongly supported Raised Bill No. 6976, "An Act Concerning Access to Services for Victims of Crime" which includes provisions for initiating an intensive campaign to educate the public regarding victim rights and services and would require the OVA to monitor and evaluate the

provision of notification of rights and services to crime victims from law enforcement officials throughout the state.

b. The Right to Notification of Court Proceedings; Information About the Arrest, Conviction, Sentence, Imprisonment and Release of the Accused; and the Right To Communicate with the Prosecution

Under Article 1, Sections 8(b)(2), (3), (4) and (5) of the Connecticut State Constitution, victims of crime have the right to receive notification of court proceedings and to obtain information about the arrest, conviction, sentence, imprisonment and release of the accused. Under this same provision, victims of crime also have a constitutional right to communicate with the prosecution about the case.

Without timely notification of court proceedings, crime victims cannot exercise other participatory rights afforded them.

The OVA has received many complaints alleging violations of these particular constitutionally protected rights. Often, a single victim's complaint has included alleged violations of all three of these rights. At many court sites in Connecticut, especially those sites with no OVS victim services advocate assigned to them, victims must rely on the state's attorney handling the case for notification of court proceedings and information about the status of the case or the defendant. The OVA has received many complaints alleging that state's attorneys are sometimes unwilling to discuss the case with the victim. On several occasions, a victim has called the OVA to inquire about some aspect of the criminal justice system and, during the course of the conversation with the victim, it is discovered that the victim has no information about the status of the case or any other aspect of the matter, including the date for the next court appearance.

It is the opinion of the Victim Advocate that many prosecutors in Connecticut do make a reasonable effort to consult with the victim upon request. However, many prosecutors fail to do so on a regular and consistent basis. Such inconsistent treatment often appears related to the perceived level of agreement about how the case is being handled or the degree of cooperation coming from the victim. At the very extreme, one supervising state's attorney has revealed to the Victim Advocate that he does nothing to contact crime victims, or to provide notice of any kind to such victims, unless the victim in a particular case is considered necessary for prosecuting the matter as a witness.

Heightened sensitivity to the needs of crime victims on the part of prosecutors, as for all other criminal justice professionals, will help increase victim participation in the criminal justice process. Crime victims in Connecticut now have a constitutionally protected right to such participation.

While crime victims have no right to decide whether there will be a criminal prosecution, no right to dictate what the charges will be if there is a prosecution, no right to veto a plea agreement and no right to dictate what the sentence will be upon conviction, they do have a constitutional right to participate in the proceedings and to have their voices heard. With greater attention to the needs of crime victims, and to their right to participate in the criminal justice process, prosecutors will become far more able and effective in their role of protecting the public and ensuring swift, fair and equal justice.

The OVA proposed legislation during the 2001 session of the General Assembly to further protect crime victims' rights to attend all court proceedings and to address the court at such proceedings. Raised Bill No. 7007 would provide that victims of sexual assault receive notice when either: (1) a convicted sex offender applies to the court to be exempted from the sex offender registration requirements; or (2) a convicted sex offender petitions the court to restrict the dissemination of sex offender registration information or to remove restrictions on such dissemination. In addition, a convicted sex offender would be required to send notice of such application or petition to the Office of Victim Services, Judicial Branch who, in turn, would be responsible for notifying the victim directly.

The OVA also submitted legislation that would require convicted individuals who apply for a reduction or modification of their sentence to send a copy of such application to the Department of Correction (DOC) as well as to the Office of Victim Services, Judicial Branch. Because crime victims who wish to receive notice of such proceedings are required to register with the Department of Correction and the Office of Victim Services, Judicial Branch (OVS) separately, and because a convicted offender who applies for a sentence reduction or modification must, pursuant to statute, send a copy of the application to OVS, victims who previously registered with only DOC to receive notification and are not registered with OVS for such purpose fail to receive notification. The proposed legislation would correct this situation.

c. *The Rights to Attend All Court Proceedings, Address the Court Regarding Any Plea Entered by the Accused, and Address the Court At Sentencing*

Judicial leadership is the single most important factor in the criminal justice system for supporting victim rights. The voices and concerns of crime victims need to be recognized and institutionalized within the criminal justice system. The laws giving participatory and substantive rights to crime victims, particularly those afforded in our state constitution, need to be enforced on a regular and consistent basis.

Notification is the linchpin to exercising the right to attend court proceedings. As noted earlier, without timely notification of proceedings, victims cannot exercise other participatory rights.

The OVA has received many complaints alleging violations of these important victim rights. In one important matter in which the victim was denied access to the courtroom, the Victim Advocate filed his appearance, filed briefs and subsequently appealed the trial court's decision. This case is presently before the Connecticut Supreme Court on appeal. The details of this matter are presented below in Section D.

The OVA has submitted legislation to the General Assembly during the 2001 legislative session to extend to all crime victims the right to be notified of certain hearings and to address the court on matters before it.

Raised Bill No. 7007 contains a provision that would remove from several statutes limitations as to the types of crimes for which a crime victim could address the court at sentencing and would extend to all crime victims the right to be notified of certain hearings and to address the court or hearing board on matters before it. Several statutes afford crime victims the right to make a statement at sentencing only for class A, B or C felonies. These restrictions conflict with our state constitution giving all victims of crime the right to address the court at sentencing and thus such restrictions should be removed.

d. The Right to Restitution

Article 1, Section 8(b)(9) of the Connecticut State Constitution provides that in all criminal prosecutions, the victim shall have the right to restitution, which shall be enforceable in the same manner as any other cause of action or as otherwise provided by law.

It is well documented that restitution is one of the most significant factors influencing victim satisfaction with the criminal justice system. Yet, in Connecticut, it appears that restitution remains one of the most under utilized means of providing crime victims with a measurable degree of justice.

The OVA has received a number of complaints from crime victims that Superior Court judges presiding over criminal matters in Connecticut too often fail to issue an order for restitution. Several complainants have indicated that judges, after determining that a defendant is indigent, and upon conviction of the defendant at sentencing, will not even consider the propriety of ordering restitution to a crime victim who has suffered monetary loss as a result of the defendant's criminal act.

Restitution is not a punishment or an alternative to fines, sanctions or interventions with the offender. As the final report of the 1982 President's Task Force on Victims of Crime noted, "[t]he concept of personal accountability for the consequences of one's conduct, and the allied notion

that the person who causes damage should bear the cost, are at the heart of civil law. It should be no less in criminal law.”

Judges should be encouraged to order full restitution. During the 2001 legislative session, the Victim Advocate has proposed legislation (Raised Bill No. 7007) that would require Superior Court judges presiding over criminal matters to consider issuing an order of restitution and, in making the decision as to the propriety of doing so, to consider the impact of the crime upon the victim both financially and in other respects.

The OVA also submitted legislation to the 2001 session of the General Assembly that would require Superior Court judges to issue an order of restitution in all cases, even in cases where the defendant has been deemed by the court to be indigent or unable to pay restitution at the time of sentencing for any other reason, and said order would automatically be entered as a judgment in civil court. So, if the defendant at some point in the future acquires wealth from any source, the victim could go into civil court and seek to have the previously entered judgment executed.

e. The Right to Be Reasonably Protected From the Accused Throughout the Criminal Justice Process

The OVA has received a number of complaints from crime victims regarding the setting of low bonds by judges of the Superior Court or the denial of a victim’s request for a restraining or protective order by the court.

This issue, particularly low bonds, appears often to be related to the fact that far too many crime victims fail to receive notice of their rights and fail to receive notice of the dates for and nature of court proceedings. As a result of this failure to receive such notification, crime victims often are not present at bond hearings and, therefore, have no opportunity to address the court on this matter at the time when bond amounts are initially set. Some victims have complained that they are not given an opportunity to address the court at later points in time to address the bond issue.

The OVA’s investigation into the Josephine Giaimo incident last summer on the East Haven Green highlights what are believed to be serious systemic problems within our criminal justice system regarding the protection of victims of domestic violence who apply for and receive a restraining order for protection. In particular, this investigative report exposed failures on the part of a number of criminal justice professionals to enforce currently existing laws designed to protect crime victims. The failure to enforce existing laws to provide victim and public safety is viewed as a serious problem that must be corrected. Such failure to reasonably protect is a clear violation of a crime victim’s state constitutional right to be so protected.

f. The Right to Timely Disposition of the Case Following Arrest of the Accused, Provided No Right of the Accused is Abridged

One complaint often heard by OVA staff concerns the length of time it takes to prosecute a criminal case—particularly the more serious matters, but also where less serious crime charges are involved as well.

The delay in scheduling proceedings is one of the greatest hardships victims endure in the criminal justice system. Repeated continuances cause serious hardships and trauma for crime victims as they are forced to review and relive their victimization in preparation for trial, only to find that the case has been postponed—time and time again. Delays are sometimes used by the defense as a tactic to help string along a case in the hopes that as more time goes by, witnesses disappear, memories fade and victims go away in frustration.

The OVA has become aware of numerous instances where judges appear to have routinely granted defense requests for continuances in some cases without a showing of good cause or requiring that any other good reason be provided for making the request. In other cases, such requests are granted for reasons most would consider unreasonable. In one case, a complaint was filed with the OVA that a Superior Court judge granted a defendant's request for a continuance because the defense attorney had purchased a new automobile and was scheduled to be in another state to take possession of it on a day that had previously been scheduled for a pretrial.

In far too many cases, victim input is not requested or allowed by the court when considering the propriety of granting requests for continuances. It is time to begin enforcing the constitutional right afforded crime victims to a timely disposition of their cases.

In one particular case, the family of a murder victim contacted the OVA to complain that more than two years had elapsed since the arrest of the defendants and to express frustration with the pace of the judicial process. The family complained that the court granted every continuance requested by one of the defense attorneys and that every time it seemed that the defendant's trial would commence, the defense counsel was able to obtain another continuance and delay the proceedings.

The Victim Advocate filed an appearance and met with the prosecutor to discuss the family's concerns. The prosecutor was very responsive to the family's concerns and expressed similar frustration with the pace of the prosecution. Shortly after the Victim Advocate filed his appearance, the defendant who had been the source of the victim's complaints pleaded guilty and the family was satisfied with the terms of the plea bargain.

As a result of this and other complaints received by the OVA concerning the length of time it takes for a case to reach disposition, the OVA is conducting research to assess the timeliness of prosecutions in the state. In this regard, the OVA has received cooperation from the Judicial Department in the form of a computer database that will supply the OVA with the time from arrest to disposition in each case in every court in the state for the previous calendar year. It is anticipated that this research will provide a tremendous insight into the state of the judiciary's ability to afford crime victims speedy resolution of their cases.

g. *The Right to be Treated With Fairness and Respect Throughout the Criminal Justice Process*

Arguably, a violation of any of the other state constitutional rights outlined above constitutes, *ipso facto*, a violation of this most basic, fundamental right belonging to crime victims—to be treated with fairness and respect.

The OVA has received many complaints from crime victims claiming that one or more criminal justice professionals have not treated them fairly and with respect. Often, the OVA has been able to successfully intervene on behalf of the victim by making a telephone call to the professional involved.

One serious issue recently brought to the attention of the Victim Advocate that pertains to a number of courthouses in the state concerns the failure to provide office space to domestic violence victim services advocates. Communications between a domestic violence victim and a domestic violence victim services advocate are confidential and privileged as a matter of law. Failure to provide a place where victim and advocate can meet in confidence possibly violates the fundamental right to be treated with fairness and respect by the criminal justice system, as our state constitution affords all crime victims.

NATURE OF OVA INTERVENTION

Most of the complaints received by the OVA have required some level of intervention by the Victim Advocate and/or the OVA staff. Often, issues raised by the complainant can be resolved by a phone call or two to the state's attorney prosecuting the case, the court-based victim services advocate involved in the matter, or to an agency commissioner or director. Frequently, the OVA plays a significant role in helping to educate crime victims as to their rights within the criminal justice system. Victims often engage the criminal justice system having little or no knowledge of their rights as crime victims or of what to expect from their participation in the criminal justice process. Some victims have unrealistic or somewhat

exaggerated expectations as to the role of the victim in the criminal justice process.

It has been the OVA's experience that simply taking the time to explain the role of the victim in the criminal justice system, the nature and extent of victim rights, and the availability of victim services often goes a long way towards allaying much of the confusion, mistrust, fear and anger victims often report experiencing as they navigate their way through the criminal justice system.

On numerous occasions, OVA staff has served as mediator to help resolve disputes between the victim and a criminal justice professional. Usually, but not always, state's attorneys have been agreeable when contacted by the OVA to meet with OVA staff and a victim to iron out misunderstandings or disagreements. These meetings typically work out well for all parties concerned.

Often, the Victim Advocate or a member of his staff has found it necessary to spend a great deal of time talking and meeting with crime victims to help explain the victim's role in the criminal justice process.

SELECTED CASE SUMMARIES

The following case highlights are presented to portray the general nature of the complaints reported to the OVA and the nature and extent of OVA involvement to help address such complaints.

Victim complaint:	The right to be reasonably protected from the accused; the right to notification of court proceedings; the right to communicate with the prosecution; the right to information about the accused.
Date of complaint:	July 31, 2000
Case closed:	October 26, 2000

The OVA received a call from a victim who was referred by a domestic violence advocate within the New Haven Judicial District. The victim's minor daughter was being stalked and harassed. The court had issued both a restraining order and a protective order; however, the accused continued violating the orders with minimal consequence. The accused was arrested several times for a variety of charges including stalking, threatening, harassment, and several counts of violation of a protective order. The victim attempted on several occasions to inquire about the status of the case and was provided no information. The OVA began by inquiring as to the status of the case with the court. The OVA learned that the court continued to issue a low bond, which enabled the accused

to be released after each violation of the protective order. The OVA spoke with the prosecutor regarding the continued violations and bond amount. In response, the prosecutor sought a warrant for violation of the protective order with a substantial increase in bond. Both the warrant and bond increase were signed by the court. The OVA continued to monitor the pending case as well as attended court proceedings with the victim. The OVA assisted the victim in communications with the prosecution, preparation of the victim impact statement, and participation throughout the pending criminal case. As a result of the OVA's involvement, the victim was afforded the right to address the court prior to the court accepting a plea agreement and the victim reported being very satisfied with the outcome of the criminal case and OVA's involvement.

Victim Complaint: The right to information about the accused.
Date of complaint: June 28, 2000
Case closed: September 13, 2000

OVA personnel attended a random parole hearing to observe the testimony of a victim before the parole board. Upon meeting, the victim shared with OVA personnel concerns regarding an order made by the court at the time of sentencing, two years earlier, which was never carried out by the Department of Correction. OVA learned that the court in the Litchfield Judicial District had ordered the defendant to be tested in accordance with C.G.S. §19a-582(8) and that the parents of the victim be notified of the results of such testing. OVA obtained a copy of the mittimus dated September 4, 1998. The mittimus was labeled as "corrected and amended" as there were both typed orders and hand written additions made on the mittimus. OVA first contacted the victim services unit within the Department of Correction (DOC). The victim services unit referred OVA to the institution where the defendant was housed. The OVA spoke with several people within the institution regarding the court order on the mittimus, however no one was able to acknowledge the court order or determine whether the testing had in fact been completed. DOC, after viewing the mittimus faxed to them by OVA, stated that due to the "hand written" notations on the mittimus, they would be unable to carry out that order. OVA again contacted the clerk of the court in Litchfield. The clerk stated that any clarifications that needed to be made regarding orders on the mittimus could have easily been resolved by a phone call to the court by personnel at DOC. The clerk of the court, at the request of the OVA, re-issued the mittimus with all orders issued by the judge back in 1998 in typewritten form. After waiting more than two (2) years, the defendant was tested as ordered and the parents of the victim were notified of the results. The OVA has requested that DOC develop

formal policies and procedures regarding any court orders on a mittimus and the execution of such orders in a timely manner.

Victim Complaint: The right to be treated with fairness and respect; the right to be reasonably protected from the accused; the right to communicate with the prosecutor
Date of complaint: August 21, 2000
Case closed: Pending disposition of the case

The OVA received a call from a domestic violence advocate within the Hartford Judicial District. The advocate was assisting a victim of domestic violence but was not getting any cooperation with the prosecutor's office. The victim attempted to call the prosecutor to explain her position as well as her fear of the accused. The victim was unable to talk directly to the prosecutor, however, she spoke with the inspector within the prosecutor's office. The inspector was very rude and demeaning toward the victim. The advocate again attempted to contact the prosecutor on behalf of the victim but was again unsuccessful. The victim became very frustrated and decided the best and safest thing for her and her minor child was to leave the state. OVA personnel suggested that the advocate contact the Witness Protection Program (WPP) on behalf of the victim. OVA staff also made contact with WPP and the victim then was accepted into the program. OVA personnel then made contact with the prosecutor's office and explained to them the victim's position and fear of the accused. WPP personnel also made contact with the prosecutor's office. WPP relocated the victim and maintained communication with the court regarding the status of the accused. The victim has since found employment, a place to live, and is doing very well.

Victim complaint: The right to be reasonably protected from the accused
Date of complaint: November 15, 2000
Case closed: Pending disposition of the case

The OVA received a call regarding a continuous domestic violence problem within a group home contracted by the Department of Mental Retardation (DMR). One of the occupants of the home had been arrested several times for assaults on the two (2) other occupants of the home. The latest incident caused the court to issue a partial protective order but allowed the accused occupant to return to the home. The victim was quite upset and fearful that the accused would retaliate and a more serious incident would occur. Due to the unusual circumstances, the domestic violence advocate did not want to be involved with the case. The Family Relations Division of the court within the Hartford Judicial District also was not anxious to become involved with the case. The OVA was contacted for assistance. OVA personnel contacted the

prosecutor's office to discuss the pending case. The prosecutor was not aware of the partial protective order nor was he aware of the victim's concerns. OVA personnel then contacted the domestic violence organization regarding advocacy for the victim. After discussions with the domestic violence advocate, the Family Relations Division, and the prosecutor, the decision was made to move forward for a full protective order. The issuance of a full protective order would alleviate the fears of the victim and force DMR to relocate the accused occupant to a more suitable location. The incidents occurring in this group home facility had existed for more than two (2) years. DMR, as well as the caseworker, were aware of these problems and had made no effort to correct them. As a result of the OVA's involvement, the domestic violence advocate addressed the court on behalf of the victim and the court ordered DMR to relocate the accused occupant and issued the full protective order.

Victim complaint: The right to be treated with fairness and respect; the right to be reasonably protected from the accused; the right to communicate with the prosecution.
Date of complaint: December 4, 2000
Case closed: Pending for disposition

The OVA received a call from a victim that had been assaulted. While at the police station giving her statement, she learned that the officers, without first reviewing her statement, charged the accused with minor misdemeanors and no charges relating to the assault. While the accused was in the custody of the police department he allegedly attempted suicide. He was taken to the emergency room and released from police custody on a promise to appear. The victim was terrified because the accused had threatened "to kill himself and take her with him." The victim appeared in court, within the New Haven Judicial District, the following day expecting an arraignment hearing for the accused. She was unable to get any information as to the accused whereabouts or the status of the pending case. The court based advocates as well as the domestic violence advocates were of no assistance to this victim. She became extremely frustrated and notified the OVA. OVA personnel informed the victim of her rights. Neither of the advocates had done this. OVA personnel also advised her to seek a restraining and protective order from the court. The victim appeared in court several times before finally speaking with the investigator from the State's Attorney's Office. She gave him information about the accused, his possession of guns, and events of that night. During the arraignment hearing, three (3) days later, the victim learned that the charges had been increased, the state was seeking a bond increase, and the court was requesting a no contact protective order. After hearing from the state and from the defense attorney, the Judge allowed the victim to address

the court. The victim's statement had a tremendous impact on the Judge and the ruling for bond and protective order reflected that. The victim also needed assistance from the OVA to schedule a meeting with the prosecutor. She had attempted several times to call but was unsuccessful. OVA personnel scheduled a meeting with the victim and prosecutor and OVA personnel will attend the meeting with the victim.

MAJOR INVESTIGATIONS

Some investigations conducted by the OVA are more formal and extensive in nature than those described above and are designed to examine and address more systemic issues affecting victim safety, victim rights or victim services.

On October 18, 2000, the Victim Advocate released the OVA's investigation into the murder-suicide that occurred on the East Haven Green on July 20, 2000. Josephine Giaimo had been a victim of threatening and abusive conduct by her estranged husband, Frank Cosenza. Ms. Giaimo took appropriate and reasonable steps to address the situation—she looked to Connecticut's criminal justice system for protection and assistance. As the OVA's report documents, almost every agency and person who had professional involvement in the Giaimo/Cosenza problems could have, and should have, done more to protect the safety of Josephine Giaimo. The common failures of the officials involved with the underlying incident related to the failure to document Frank Cosenza's possession of handguns. Two separate courts had ordered Cosenza to surrender or transfer handguns. Because of repeated failures to document or inquire about Cosenza's possession of handguns in violation of both a restraining order and a criminal protective order, actions intended to provide security measures for victims were not obtained for Josephine Giaimo.

This tragedy highlights critical systemic problems in the enforcement of current handgun restrictions that are intended to protect crime victims and society. This incident further illustrates the critical need for comprehensive reforms in the delivery of services to victims of domestic violence and threatened domestic violence.

The OVA's investigation into the East Haven tragedy, and the release of the Investigative Report at a formal press conference held at the Legislative Office Building on October 18, 2000, received a great deal of press coverage. Currently, legislation is pending before the Connecticut General Assembly to address problems identified in the report relating to the enforcement of restraining and protective orders and the gun transfer/surrender and seizure laws. The OVA will continue to monitor compliance with the recommendations contained in the OVA report and will monitor enforcement of these laws around the state.

A copy of the Giaimo Report can be obtained from the OVA or can be accessed by visiting OVA's website at www.ova.state.ct.us.

Future Goals

- Create a computer data base which will be used by the Victim Advocate and his staff to log all incoming calls to the OVA and to collect relevant information pertaining to the complaint;
- Establish clear policies and procedures for handling complaints and requests for information;
- Establish guidelines for determining what complaints will trigger a formal investigation by the OVA.

Identified Challenges

- OVA's staffing level and budget will ultimately determine the extent of OVA involvement in particular cases.
- It is anticipated that the receipt, review and investigation of complaints will become the most time-consuming, on-going function of the OVA and that the volume of complaints received by the OVA will increase as public awareness of the existence and function of the OVA continues to grow.
- The OVA will rely upon a fully functional computerized data base system for collecting, tracking and analyzing information pertaining to crime victim complaints. This will enable the OVA to identify patterns of non-compliance with victim rights and issues concerning the provision and quality of services offered to crime victims by the various victim service agencies. The computerized data base system should also help to facilitate the formulation of proposals for policy and legislative changes to improve, protect and further victim rights in Connecticut.
- One significant challenge for the future will involve coordinating and cooperating with victim service agencies in the state to explore ways to facilitate streamlining the receipt of complaints to the OVA so that OVA intervention, when appropriate, can be made in a timely manner. Many of the complaints received by the OVA, particularly those received during the initial 6 months or so of operation, concerned alleged violations of rights or incidences of victim mistreatment for which it was too late to intervene on behalf of the particular victim affected as the case had already ended.
- To effectively conduct OVA investigations, the Victim Advocate needs the power of the subpoena. This became evident in two matters over the past year in which the OVA conducted or attempted to conduct an investigation. In the case of the murder-suicide in East

Haven, the East Haven Police Department initially claimed that it never had in its possession a key document—the victim’s affidavit that was submitted to court with her application for a restraining order. The OVA obtained a sworn affidavit from the Deputy Sheriff who served the restraining order documents on the East Haven Police Department stating that the victim’s affidavit was, in fact, served along with the restraining order. The Chief of the East Haven Police Department later claimed that his department only obtained a copy of the affidavit when it was procured from the victim’s purse following her death. Nonetheless, this affidavit was never submitted to the OVA in response to a formal request for any and all documents related to the case. The OVA was provided with a copy of this affidavit when the State Police complied with OVA’s request for documents from that agency. OVA’s request to interview the individual police officers involved in the Giaimo matter was denied by the town attorney on the grounds that the OVA did not have the authority to compel such testimony.

D. LIMITED SPECIAL APPEARANCE

The Mandate

The Victim Advocate is authorized by state law to file a limited special appearance in any court proceeding for the purpose of advocating for a victim certain of the prescribed constitutional rights that victims in Connecticut have by virtue of the 1996 amendment to the Connecticut State Constitution. C.G.S. §46a-13c(5). The authority to file such an appearance does not extend to infractions or misdemeanors not involving the use, attempted use or threatened use of physical force against another person (C.G.S. §46a-13g).

Accomplishments

To date, the Victim Advocate has filed a limited special appearance in five cases.

Three such cases are particularly noteworthy. The details of these particular cases will be outlined below:

a. Challenging Denial of Victim’s Request to Attend Court Proceedings

In one case, the OVA was contacted first by a victim services advocate for the Office of Victim Services, Judicial Branch to inform that a minor victim and the parent of the victim were being denied access to court proceedings by the judge. The case was before a juvenile court as a delinquency matter. Upon discussing the situation directly with both of the minor victim’s

parents, the probation officer and the state's attorney prosecuting the case, the Victim Advocate made the decision to file his appearance in the case and a motion requesting that the judge allow the victim and the victim's parent to attend the remaining court proceedings. The Victim Advocate based his argument on a provision of the state constitutional amendment giving victims the right to attend all court proceedings the defendant has the right to attend.

At the Victim Advocate's first appearance in the case, the parties to the matter and the Victim Advocate first met with the judge in chambers. The judge questioned whether Connecticut's constitutional amendment giving crime victims rights in "criminal prosecutions" applied to juvenile proceedings. The judge did, however, give the parties and the Victim Advocate an opportunity to brief the issue.

Based upon the briefs submitted, the judge allowed the victim and the victim's parents to attend the dispositional hearing and to make a statement to the court regarding disposition of the matter. However, the judge specifically ruled that the State Constitutional Amendment did not apply to juvenile court proceedings and indicated that he was basing his decision to allow the victim into the courtroom at disposition solely upon his discretionary authority to do so.

b. Challenging Defendant's Motion to Dismiss Charges on Clerical Errors Committed by Court Clerk and State Attorney's Office

On a more recent occasion, the Victim Advocate was contacted by a state's attorney at one of the J.D. courts requesting the assistance of the Victim Advocate in a case wherein he feared an injustice was about to be committed by the presiding judge—all due to a technical error in misfiling a motion for speedy trial filed by the defense attorney. Because of this misfiling by the court clerk and the state attorney's office, the prosecutor and the judge were unaware of the motion and no trial commenced within 30 days of the filing as required by law to avoid a timely motion to dismiss the charges (Sexual Assault 1st degree, Burglary 1st Degree).

The Victim Advocate filed his appearance and a memorandum of law arguing that to dismiss the charges against the defendant because of technical, clerical error would result in an injustice to the victim. The court denied the defendant's motion to dismiss on grounds as presented in the Victim Advocate's memorandum of law.

c. Assertion of Victim's Constitutional Right to A Speedy Disposition of the Case

The family of a murder victim contacted the OVA to complain that more than two years had elapsed since the arrest of the defendants and to express

frustration with the pace of the judicial process. The family complained that the court granted every continuance requested by one of the defense attorneys and that every time it seemed that the defendant's trial would commence, the defense counsel was able to obtain another continuance and delay the proceedings.

The Victim Advocate filed an appearance and met with the prosecutor to discuss the family's concerns. The prosecutor was very responsive to the family's concerns and expressed similar frustration with the pace of the prosecution. Shortly after the Victim Advocate filed his appearance, the defendant who had been the source of the victim's complaints pleaded guilty and the family was satisfied with the terms of the plea bargain.

As a result of this and other complaints received by the OVA concerning the length of time it takes for a case to reach disposition, the OVA is conducting research to assess the timeliness of prosecutions in the state. In this regard, the OVA has received cooperation from the Judicial Department in the form of a computer database that will supply the OVA with the time from arrest to disposition in each case in every court in the state for the previous calendar year. It is anticipated that this research will provide a tremendous insight into the state of the judiciary's ability to afford crime victims speedy resolution of their cases.

Future Goals

- Consider the propriety of submitting a petition to the Rules Committee for inclusion of the authority to file a special limited appearance within the Connecticut Practice Book.
- Work with public and private agencies/organizations who provide advocacy services to victims to help facilitate the flow of information to the OVA regarding potential violations of victim rights to allow timely action by the OVA in appropriate cases.

Identified Challenges

- The larger concern for the OVA centers on the timing of information coming to the OVA regarding any violation of these rights. To have an opportunity to intervene in a timely and effective manner, any violation of the rights listed in C.G.S. §46a-13c(5) must be brought to the attention of the OVA in time for the OVA to respond. This timing issue should improve as the public becomes more knowledgeable about their rights vis-a-vis the public education campaigns and other efforts taken by the OVA and others to inform the public. Court-based victim services advocates, regardless of affiliation, should play a more active role in standing up for the legal rights of victims in the courtroom as violations occur. Unsuccessful attempts to assert these

rights as they occur should be reported to the OVA as soon as practicable by the court-based victim advocate. The OVA will attempt to work cooperatively with state and private agencies/organizations who provide advocacy services to victims to help accomplish this goal.

E. ENSURE A CENTRALIZED LOCATION FOR VICTIM SERVICES INFORMATION

The Mandate

The Victim Advocate is required by state law to ensure a centralized location for victim services information. C.G.S. §46a-13c(6).

Accomplishments

The Victim Advocate has become familiar with the wealth of written material, taped and videotaped materials and other informational materials produced for and available to crime victims by agencies and entities comprising the victim services delivery system.

Much of this information is currently available at the Office of Victim Services (OVS), Judicial Branch, located in Plainville, Connecticut.

Future Goals

The OVA will formally request that OVS provide the OVA with a periodic report of the inventory of informational and other materials available for victims at OVS.

Identified Challenges

No particular challenges in achieving this goal are presently anticipated.

F. RECOMMEND CHANGES IN STATE POLICIES, PUBLIC EDUCATION AND LEGISLATIVE ADVOCACY

The Mandate

The Victim Advocate is required by state law to recommend changes in state policies concerning victims, including changes in the system of providing victim services. C.G.S. §46a-13c(7). The Victim Advocate is also mandated to conduct programs of public education, undertake legislative advocacy and make proposals for systemic reform. C.G.S. §46a-13c(8).

Accomplishments

During the initial year of operation, the Victim Advocate has made numerous proposals for legislative change during the 2000 and 2001 legislative sessions. The Victim Advocate and his staff accepted numerous speaking engagements and use these occasions to talk about and discuss the services of the OVA, victim rights and victim services.

The Victim Advocate has published an informational brochure that has been disseminated statewide. In addition, the Victim Advocate has published a website linked to the State of Connecticut Official Home Page.

Future Goals

- Intensify efforts to present publicly the issues and concerns that crime victim in Connecticut have.
- Engage in an aggressive effort to help advise and educate the public not only as to the existence and purpose of the OVA, but also as to the nature and extent of the constitutional and statutory rights that victims in Connecticut have and the services they are entitled to.
- As the OVA obtains a clearer picture of the status of compliance with crime victim rights and the provision of services to such victims, through data collection, complaint review and complaint investigation efforts, suggestions for policy changes will emerge and recommendations made to the state legislature as appropriate to deal with systemic problems and issues.

Identified Challenges

No particular challenges in achieving these goals are presently anticipated.

Participation in Public Forums

The Victim Advocate has served on the following committees/boards:

- Study Group on the Placement of the Office of Victim Services, Statutory Member
- Committee to Study Credentialing of Sex Offender Treatment Providers, Statutory Member
- Criminal Justice Information System (CJIS) Governing Board, Statutory Member
- Commission on Racial and Ethnic Disparity in the Criminal Justice System, Statutory Member

- Mayor's Victim Assistance Task Force on Homicide and Violent Crime
- Sex Offender Policy Advisory Board, Statutory Member
- Commission on Women, Prisoner and Victim Issues Subcommittee

The Victim Advocate has been an invited guest on a number of television and radio programs including WFSB (CT 99), WTIC-AM (Morning Show), WDRC-AM (Brad Davis Show), WILI-AM (Willimantic).

The Victim Advocate has engaged in the following selected activities:

- Northeastern Regional Roundtable of Crime Victim Policy Advocates, November 17, 2000, Westfield State College, Westfield, Massachusetts.
- Domestic Violence Crisis Center, Norwalk, Connecticut, January 25, 2000 (Speaker at staff & volunteer in-service training)
- Sexual Assault Crisis Center, Stamford, Connecticut, Invited Speaker, October 23, 2000.
- Victim Rights Forum, State Capital, January 23, 2001, Panel Member.
- The Victim Advocate attended an all-day conference entitled "Connecticut Conference on Hate Crimes" on September 21, 1999 at the Quinnipiac Law School on the campus of Quinnipiac College in Hamden, Connecticut.
- Invited Speaker, Connecticut State Retirees Association, Wethersfield, Connecticut, February 8, 2001.
- Board Member, Families in Crisis
- Training of Parole Board Hearing Officers, April 19, 2000, Cheshire, Connecticut.
- Connecticut Sexual Assault Crisis Services, Inc. November 8, 1999, Invited Speaker at Annual Meeting, Rocky Hill, Connecticut.
- Presentation to Executive Board of Directors, Connecticut Coalition Against Domestic Violence, January 28, 2000, East Hartford, Connecticut.
- Meet with Executive Board of Mothers Against Drunk Driving, February 15, 2000
- Melanie Ilene Rieger, 6th Annual National Conference Against Violence, 2000 (Panel member)

Future Goals

- Initiate an aggressive campaign to educate the public regarding the OVA and victim rights and services.
- Collaborate with the heads of the various state and private agencies/organizations dealing with victims in carrying out the public education mandate of the OVA;

- Discuss with other agencies and organizations proposed legislative actions that deal with enhancing victim rights and/or services during the upcoming legislative session;
- Begin a more systematic and focused approach to developing and refining a list of legislative proposals for future legislative sessions.

Identified Challenges

No particular challenges to report at this time.

G. ADVISE PUBLIC OF OVA SERVICES

The Mandate

The Victim Advocate is required by state law to advise the public of the services of the OVA, the purpose of the office and procedures to contact the office. C.G.S. §46a-13c(10).

Accomplishments

- The OVA published a website, designed and programmed by the Victim Advocate, in February 2000. In the 13 month period since it went online, there have been more than 8000 visits to the website.
- The OVA has published an informational brochure and, with the assistance of the Judicial Department, it has been distributed to the various court locations throughout the state.
- The Victim Advocate has appeared and been interviewed on a number of radio and television broadcasts during the initial year of operation to publicize the OVA and its function in the criminal justice system.
- By invitation, the Victim Advocate addressed a number of groups and organizations to discuss victim rights and services.
- On numerous occasions, OVA efforts to protect the rights of crime victims in certain instances have been covered by the press (newspaper, television and radio) throughout Connecticut.

Future Goals

- Develop an OVA informational brochure in Spanish.
- Expand effort to appear on television and radio to publicize victim rights and services and the OVA.

Identified Challenges

No particular challenges are anticipated in achieving this goal.

APPENDIX A OVA Budget

For the fiscal year July 1999-2000, OVA has a budget of \$192,350.00. For fiscal years 2000-2001 and 2001-2002, budget details can be found in table presented immediately below.

	<u>Fiscal Year 2000</u>		<u>Fiscal Year 2001</u>	
Total General Fund	\$192,350		\$202,577	
<i>Expenses:</i>				
Personal Services	\$158,383		\$173,152	
Other Expenses	\$32,467		\$28,225	
Equipment	\$1,500		\$1,200	
Totals	\$192,350	\$192,350	\$202,577	\$202,577
Capital Equipment Fund	\$21,000		\$9,000	

For administrative purposes only, the OVA is in the Freedom of Information (FOI) Commission, pursuant to C.G.S. §46a-13b(b). C.G.S. §4-38f details the respective duties and responsibilities of the OVA and the FOI Commission under this relationship.¹

¹ Sec. 4-38f. "Administrative purposes only", defined. Agencies assigned to departments for administrative purposes only; agencies' powers; departments' duties. (a) An agency assigned to a department for administrative purposes only shall: (1) Exercise any quasi-judicial, rule-making or regulatory authority, licensing and policy-making functions which it may have independent of such department and without approval or control of the department; (2) prepare its budget, if any, and submit its budgetary requests through the department; and (3) hire its own personnel or enter into contracts, if authorized by law, or if the general assembly provides or authorizes the expenditure of funds therefor.

(b) The department to which an agency is assigned for administrative purposes only shall: (1) Provide record keeping, reporting, and related administrative and clerical functions for the agency to the extent deemed necessary by the department head; (2) disseminate for the agency any required notices, rules or orders adopted, amended or repealed by the agency; (3) provide staff for the agency subject to the provisions of subdivision (3) of subsection (a) of this section; and (4) include in the departmental budget the agency's budgetary request, if any, as a separate part of said budget and exactly as prepared and submitted to the department by the agency.

In addition to carrying out its statutory mandates, it has been necessary for the OVA, as a new state agency, to focus a great deal of its attention during the first year of operation on a variety of administrative functions including: locating office space, purchasing equipment, staffing the office, developing policies and procedures, and a variety of other related duties.

The OVA is located on the 5th floor at 505 Hudson Street. The Hudson Street building is owned by the State of Connecticut and houses the administrative offices of the Department of Children and Families and a number of other smaller state agencies.

The OVA sought and received from the Department of Public Works (DPW) state surplus furniture including desks, chairs, conference room table and chairs, computer tables, filing cabinets and storage units and several sundry items of office furniture. To date, with the exception of three desk chairs, no monies from the OVA budget have been expended to purchase any new office furniture.

By formal agreement with the Department of Children and Families (DCF), the OVA has the use of four telephone lines, telephone equipment, a dedicated fax line, and high-speed internet access. In the near future, the OVA will, by interagency agreement, be allowed to tap into DCF's computer networking system to internally network OVA's computers. The OVA reimburses DCF for such access and services.

During the period September 1999 through March 2001, the OVA has purchased the following capital equipment for use in its daily operations:

- Four desktop computers (Compaq);
- One laptop computer (Gateway);
- One Hewlett-Packard laser printer;
- One Hewlett-Packard scanner;
- One Olympus Digital Camera;
- One typewriter;
- One television set;
- One Hewlett-Packard fax machine.

The OVA currently leases a digital copier (Hewlett-Packard) and obtains cable television services through AT&T.

All items of office equipment are fully operational and in use by the OVA on a daily basis.

The OVA originally subscribed to Loislaw, an online legal research tool, for access to state and federal case law, statutes and regulations. In March 2001, to obtain improved legal research capabilities, the OVA sought and received a termination of its contractual relationship with Loislaw. Subsequently, the OVA made firm arrangements to obtain such services through Westlaw.

APPENDIX C OVA Staff

The state legislature provided for and funded two full-time staff positions within the OVA.

Currently, the OVA staff is comprised of a Complaint Officer and a Principal Attorney. Since December 2000, the OVA has been borrowing a secretary from the Department of Administrative Services.

Complaint Officer

Merit Lajoie joined the OVA in May 2000. Ms. Lajoie brings to the OVA a wealth of knowledge and experience in the areas of victim rights and victim services. Over the past several years, Ms. Lajoie has actively worked with crime victims, particularly survivors of homicide. Ms. Lajoie herself is a survivor of homicide. Her mother was brutally murdered outside her home in Manchester, Connecticut in 1996. Since her mother's tragic death, Merit has worked at the state legislature to help get important gun restriction legislation passed (P.A. No. 99-212). Merit brings a tremendous amount of energy to the OVA and, in addition to serving as Complaint Officer, is involved in OVA's legislative advocacy and public education efforts.

Principal Attorney

Daniel T. Butler joined the OVA on January 2, 2001. Attorney Butler received a Bachelor of Science Degree in Criminal Justice Administration and a Master of Science Degree in Forensic Science from the University of New Haven and graduated magna cum laude from Saint John's University School of Law. Prior to attending law school, Attorney Butler spent several years as an investigator with the Nassau County Medical Examiner's Office on Long Island. In 1988, Attorney Butler was appointed an Assistant District Attorney with the Nassau County District Attorney's Office. Attorney Butler spent most his years in the District Attorney's Office in the Appeals Bureau. Prior to joining the appeals bureau, Attorney Butler prosecuted drunk driving cases, including cases involving fatalities and serious injuries. Attorney Butler left the District Attorney's Office in December of 2000 to join the OVA.

CONNECTICUT GENERAL STATUTES**CHAPTER 813a OFFICE OF THE VICTIM
ADVOCATE****Sec. 46a-13b. Office of the Victim Advocate established.**

(a) There is established an Office of the Victim Advocate. The Governor, with the approval of the General Assembly, shall appoint a person with knowledge of victims' rights and services as Victim Advocate. Such person shall be an attorney and qualified by training and experience to perform the duties of Victim Advocate as set forth in section 46a-13c. The appointment shall be made from a list of at least three persons prepared and submitted by the advisory committee established pursuant to section 46a-13f. Such list shall be confidential and not open to the public or subject to disclosure. Upon any vacancy in the position of Victim Advocate, the advisory committee shall meet to consider and interview successor candidates and shall submit to the Governor a list of no less than five and no more than seven candidates not later than sixty days after said vacancy. Such list shall rank the candidates in the order of committee preference. Upon receipt of the list of candidates from the advisory committee, the Governor shall appoint a candidate for Victim Advocate from among the choices within eight weeks of receipt of such list. If, at any time, any of the candidates withdraws from consideration prior to confirmation by the General Assembly, the appointment shall be made from the remaining candidates on the list submitted to the Governor. The person appointed Victim Advocate shall serve for a term of four years and may be reappointed or shall continue to hold office until his successor is appointed and qualified.

(b) The Office of the Victim Advocate shall be in the Freedom of Information Commission for administrative purposes only.

(c) Notwithstanding any other provision of the general statutes, the Victim Advocate shall act independently of any state department in the performance of his duties.

(d) The Victim Advocate may, within available funds, appoint such staff as may be deemed necessary. The duties of the staff may include the duties of the Victim Advocate if performed under the direction of the Victim Advocate.

(e) The General Assembly may annually appropriate such sums as necessary for the payment of the salaries of the staff and for the payment of office expenses and other actual expenses incurred by the Victim Advocate in the performance of his duties.

(f) The Victim Advocate shall annually submit to the Governor and the General Assembly a detailed report analyzing the work of the Office of the Victim Advocate.

(P.A. 98-231, S. 1.)

See Sec. 4-38f for definition of "administrative purposes only".

Sec. 46a-13c. Responsibilities of the Victim Advocate.

The Victim Advocate may, within available appropriations:

- (1) Evaluate the delivery of services to victims by state agencies and those entities that provide services to victims, including the delivery of services to families of victims by the Office of the Chief Medical Examiner;
- (2) Coordinate and cooperate with other private and public agencies concerned with the implementation, monitoring and enforcement of the constitutional rights of victims and enter into cooperative agreements with public or private agencies for the furtherance of the constitutional rights of victims;
- (3) Review the procedures established by any state agency or other entity providing services to victims with respect to the constitutional rights of victims;
- (4) Receive and review complaints of persons concerning the actions of any state or other entity providing services to victims and investigate those where it appears that a victim or family of a victim may be in need of assistance from the Victim Advocate;
- (5) File a limited special appearance in any court proceeding for the purpose of advocating for a victim:
 - (A) The right to notification of court proceedings;
 - (B) The right to attend the trial and all other court proceedings the accused has the right to attend, unless such person is to testify and the court determines that such person's testimony would be materially affected if such person hears other testimony;
 - (C) The right to object to or support any plea agreement entered into by the accused and the prosecution and to make a statement to the court prior to the acceptance by the court of the plea of guilty or nolo contendere by the accused;
 - (D) The right to make a statement to the court at sentencing;
 - (E) The right to restitution which shall be enforceable in the same manner as any other cause of action or as otherwise provided by law; and
 - (F) The right to information about the arrest, conviction, sentence, imprisonment and release of the accused;
- (6) Ensure a centralized location for victim services information;
- (7) Recommend changes in state policies concerning victims, including changes in the system of providing victim services;
- (8) Conduct programs of public education, undertake legislative advocacy, and make proposals for systemic reform;
- (9) Monitor the provision of protective services to witnesses by the Chief State's Attorney pursuant to section 6 of this act; and
- (10) Take appropriate steps to advise the public of the services of the Office of the Victim Advocate, the purpose of the office and procedures to contact the office.

(P.A. 98-231, S. 2.; P.A. 99-37; P.A. 99-240)

Sec. 46a-13d. Access to information. Rights and powers.

(a) All state, local and private agencies shall have a duty to cooperate with any investigation conducted by the Office of the Victim Advocate. Consistent with the provisions of the general statutes concerning the confidentiality of records and information, the Victim Advocate shall have access to, including the right to inspect and copy, any records necessary to carry out the responsibilities of the Victim Advocate as provided in section 46a-13c. Nothing contained in this subsection shall be construed to waive a victim's right to confidentiality of communication or records as protected by and provisions of the general statutes or common law.

(b) In the performance of his responsibilities under section 46a-13c, the Victim Advocate may communicate privately with any victim or person who has received, is receiving or should have received services from the state. Such communications shall be confidential and not be subject to disclosure except as provided in subsection (a) of section 46a-13e.

(c) The Victim Advocate may apply for and accept grants, gifts and bequests of funds from other states, federal and interstate agencies and independent authorities and private firms, individuals and foundations, for the purpose of carrying out his responsibilities.

(P.A. 98-231, S. 3.)

Sec. 46a-13e. Confidentiality of identity of person making complaint, information generated by investigation and records. Disclosure, when.

(a) The name, address and other personally identifiable information of a person who makes a complaint to the Victim Advocate as provided in section 46a-13c, all information obtained or generated by the office in the course of an investigation, the identity and location of any person receiving or considered for the receipt of protective services under section 6 of this act and all information obtained or generated by the office in the course of monitoring the provision of protective services under section 6 of this act, and all confidential records obtained by the Victim Advocate or his designee shall be confidential and shall not be subject to disclosure under the Freedom of Information Act or otherwise, except that such information and records, other than confidential information concerning a pending law enforcement investigation or a pending prosecution, may be disclosed if the Victim Advocate determines that disclosure is (1) in the general public interest, or (2) necessary to enable the Victim Advocate to perform his responsibilities under section 46a-13c, provided in no event shall the name, address or other personally identifiable information of a person be disclosed without the consent of such person.

(b) No state or municipal agency shall discharge, or in any manner discriminate or retaliate against, any employee who in good faith makes a complaint to the Victim Advocate or cooperates with the Office of the Victim Advocate in an investigation.

(P.A. 98-231, S. 4.; P.A. 99-240, S. 9)

Sec. 46a-13f. Advisory committee established.

(a) There is established an advisory committee to the Office of the Victim Advocate which shall prepare and submit to the Governor in accordance with section 46a-13b a list of candidates for appointment as Victim Advocate. The advisory committee shall meet three times a year with the Victim Advocate and his staff to review and assess the following: (1) Patterns of treatment and service for victims; (2) policy implications of the findings of

subdivision (1) of this subsection; and (3) necessary systemic improvements. The advisory committee shall also provide for an annual evaluation of the effectiveness of said office.

(b) Said advisory committee shall consist of: (1) One representative of Mothers Against Drunk Driving, appointed by its board of directors; (2) one representative of Survivors of Homicide, appointed by its board of directors; (3) one representative of Connecticut Coalition Against Domestic Violence, appointed by its board of directors; (4) one representative of Connecticut Sexual Assault Crisis Services, Inc., appointed by its board of directors; (5) one member of a victim's advocacy group, appointed by the speaker of the House of Representatives; (6) one member of hospital emergency room personnel, appointed by the majority leader of the House of Representatives; (7) one therapist who deals with victims and trauma, appointed by the minority leader of the House of Representatives; (8) one prosecutor, appointed by the president pro tempore of the Senate; (9) one representative of law enforcement, appointed by the majority leader of the Senate; (10) one representative from the educational community with an expertise in victimology, appointed by the minority leader of the Senate; (11) one attorney, appointed by the Connecticut Bar Association; and (12) one judge of the Superior Court, appointed by the Chief Justice of the Supreme Court. Each member of the advisory committee shall serve a five-year term.

(P.A. 98-231, S. 5.)

Sec. 46a-13g. Limitation re filing appearance for victim.

The provisions of subdivision (5) of section 46a-13c shall not apply to infractions or misdemeanors not involving the use, attempted use or threatened use of physical force against another person.

(P.A. 98-231, S. 6.)

**Office of the Victim Advocate
Advisory Committee Members**

Lawrence Bostrom, Co-chair
Survivors of Homicide

Meghan .L.. Collins, Co-chair

Mario T. Gaboury
School of Public Safety
University of New Haven

The Honorable John J. Ronan
Deputy Chief Court Administrator

Gail Burns-Smith, Executive Director
Connecticut Sexual Assault Crisis Services, Inc.

Lisa Holden, Executive Director
Connecticut Coalition Against Domestic Violence, Inc.

Janice Heggie-Margolis, Executive Director
Mother's Against Drunk Driving

Jack F. Cronan
Office of the Chief State's Attorney

Diane Gracewski
School Teacher